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*Attorneys for Defendants Anthem, Inc. and related parties*  
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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

IN RE ANTHEM, INC. DATA BREACH  
LITIGATION

Case No. 5:15-md-02617-LHK

**JOINT STIPULATION AND ~~PROPOSED~~**  
**ORDER RE: PARTIES TO THIRD**  
**CONSOLIDATED AMENDED COMPLAINT**

WHEREAS, the Court's May 27, 2016 Order Granting in Part and Denying in Part  
Defendants' Motion to Dismiss stated that Plaintiffs may not add new parties without leave of the  
Court or stipulation of the parties pursuant to Federal Rule of Civil Procedure 15;

1 WHEREAS, the Court's May 26, 2016 Order setting Case Management Schedule (Dkt.  
2 No. 523) set July 11, 2016, as the deadline for adding parties;

3 WHEREAS, Plaintiffs desire to substitute in one new Named Plaintiff, Patrick Kimbrell,  
4 as a replacement for a Named Plaintiff who has been forced to withdraw for significant health  
5 reasons, Joseph Beckerman;

6 WHEREAS, Defendants do not oppose the substitution of this new Named Plaintiff;

7 WHEREAS, there exists good cause for the substitution of Patrick Kimbrell for Joseph  
8 Beckerman because Mr. Beckerman has been forced to withdraw for significant health reasons;

9 WHEREAS, pursuant to Fed. R. Civ. P. 41(a), Plaintiffs desire for the Court to dismiss  
10 without prejudice the claims of five Named Plaintiffs, who will remain unnamed putative class  
11 members in this litigation to the extent they fall within the class definition, but who agree not to  
12 seek appointment as class representatives or to seek to be added as named plaintiff to any further  
13 amended complaint or in any action underlying the complaint in the MDL in which their claims  
14 were or could have been asserted: Joseph Beckerman, Amanda Davis, Stephen Grose, Ted Hagen,  
15 and Kurt McLaughlin;

16 WHEREAS, Defendants do not oppose the dismissal without prejudice of these plaintiffs  
17 pursuant to Rule 41(a);

18 NOW THEREFORE, the Parties, by and through their undersigned counsel, stipulate and  
19 agree that:

20 1. Plaintiffs may substitute in one new Named Plaintiff, Patrick Kimbrell, subject to  
21 Mr. Kimbrell responding to all written discovery issued by the Defendants no later than October  
22 31, 2016.

23 2. Pursuant to the stipulation of all parties under Rule 41(a), the claims of Joseph  
24 Beckerman, Amanda Davis, Stephen Grose, Ted Hagen, and Kurt McLaughlin are dismissed  
25 without prejudice and they remain unnamed putative class members in this litigation to the extent  
26 they fall within the class definition, but will not hereafter seek appointment as class  
27 representatives or seek to be added as named plaintiffs to any further amended complaint or in  
28 any action underlying the complaint in the MDL in which their claims were or could have been

1 asserted.

2 Respectfully submitted,

3 Dated: October 25, 2016

**COHEN MILSTEIN SELLERS & TOLL PLLC**  
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6 By: /s/ Andrew N. Friedman

7 Dated: October 25, 2016

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19 *Plaintiffs' Steering Committee*

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24 *affiliates named as defendants in the Consolidated*  
25 *Amended Complaint (collectively, "Anthem"), and*  
26 *Defendants Blue Cross and Blue Shield of Alabama,*  
27 *USABLE Mutual Insurance Company d/b/a Arkansas*  
28 *Blue Cross and Blue Shield and BlueAdvantage*  
*Administrators of Arkansas, California Physicians'*  
*Service d/b/a Blue Shield of California, Blue Cross*  
*and Blue Shield of Florida, Inc. d/b/a Florida Blue,*  
*CareFirst of Maryland, Blue Cross and Blue Shield*  
*of Massachusetts, Inc., Blue Cross and Blue Shield*  
*of Michigan, BCBSM, Inc. d/b/a Blue Cross and*  
*Blue Shield of Minnesota, Horizon Healthcare*  
*Services, Inc., Blue Cross and Blue Shield of North*  
*Carolina, Highmark Inc. f/k/a Highmark Health*  
*Services, and Blue Cross and Blue Shield of*  
*Vermont*

1 Dated: October 25, 2016

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8 Dated: October 25, 2016

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and Blue Cross and Blue Shield of Texas, divisions  
of Health Care Service Corporation, A Mutual  
Legal Reserve Company*

**ATTESTATION**

I, Eve H. Cervantez, am the ECF user whose identification and password are being used to file this Stipulation and [Proposed] Order. I hereby attest that all of the signatories to this Stipulation have concurred in this filing.

Dated: October 25, 2016

/s/ Eve H. Cervantez  
Eve H. Cervantez

~~PROPOSED~~ ORDER APPROVING JOINT STIPULATION

Based on the Stipulation of the Parties, and for good cause shown, it is so ordered.

Date: October 26, 2016

A handwritten signature in black ink, reading "Lucy H. Koh". The signature is written in a cursive style with a horizontal line underneath it.

District Judge Lucy H. Koh